IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 408 OF 1987

The Indian Iron & Steel Co. Ltd.... Plaintiff.

Versus

The Union of India & Ors... ... Defendants.

Mr. H. D'Souza i/by Pandya & Poonawala
for the Plaintiff.

Mr. N. H. Munjee i/by Mulla & Mulla & C.B. & Caroe
for Defendant No.5.

CORAM : D. G. KARNIK, J.

DATED : 30TH JUNE, 2006.

P.C.:

Heard both the learned Counsel for the Plaintiff and Defendant No.5. The Defendants have not filed the written statement.

2. In the absence of the written statement, the averments made in the plaint are deemed to have been admitted and the Plaintiff is entitled to a decree under Order 8 Rule 5(2) read with Order 8 Rule 10 of the Code of Civil Procedure.

3. In view of the fact that the suit is a simple money suit, it is appropriate to pass a decree without requiring the Plaintiff to adduce any evidence. Accordingly, the suit of the Plaintiff is decreed in terms of the prayer clause (a).

Sd/-

(D. G. KARNIK, J.)